## BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

LONNIE PERKINS Claimant	)
VS.	) ) ) Docket No. 192,301
MIDWEST EXPRESS  Respondent  AND	) Docket No. 192,301
FIDELITY & CASUALTY Insurance Carrier	

## ORDER

Claimant appeals from a Preliminary Order entered by Administrative Law Judge Steven J. Howard on June 2, 1995.

## Issues

The claimant contends the Administrative Law Judge exceeded his jurisdiction when he ordered that the rating by one of the physicians who examined the claimant be deleted from the medical records to be provided the physician conducting an independent medical examination.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Appeals Board finds that the decision by the Administrative Law Judge to delete the rating from the records provided the physician conducting an independent medical examination does not exceed the authority of the Administrative Law Judge. On appeals from preliminary orders, the jurisdiction of the Appeals Board is limited to those circumstances listed in K.S.A. 44-534a and to allegations that the Administrative Law Judge otherwise exceeded his jurisdiction. K.S.A. 44-551. The allegation by the claimant in this case does not address any of the jurisdictional issues listed in K.S.A. 44-534a. As indicated, the Appeals Board finds that the decision does not otherwise exceed the jurisdiction of the Administrative Law Judge.

**WHEREFORE**, it is the finding, order, and decision of the Appeals Board that the Order of Administrative Law Judge Steven J. Howard entered June 2, 1995 should and does remain in full force and effect as originally entered.

IT IS SO ORDERED.
Dated this day of August, 1995.
BOARD MEMBER
BOARD MEMBER
BOARD MEMBER

c: Keith L. Mark, Mission, Kansas Kip Kubin, Overland Park, Kansas Steven J. Howard, Administrative Law Judge Philip S. Harness, Director